



Paper No. 12

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In re Application of
Kucera, et al.
Application No. 09/412,539
Filed: October 4, 1999
Attorney Docket No. 0443-17U3

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed August 24, 2000, requesting that the above-identified application be accorded a filing date of October 4, 1999, rather than the presently accorded filing date of October 5, 1999.

Petitioner alleges that the application was deposited in Express Mail service on October 4, 1999. In support of the allegation, the petition is accompanied by a copy of Express Mail receipt No. EL32991956US, showing a United States Postal Service stamp of October 4, 1999. The same Express Mail receipt number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**.

The petition fee of \$130.00 is unnecessary. Petitioner may obtain a refund of the petition fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany any request for a refund.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to **October 4, 1999**.

Telephone inquiries should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
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for Patent Examination Policy